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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Sobek *et al.*

Confirmation No.: 4735

Serial No.: 09/803,165

Art Unit: 1635

Filed: March 9, 2001

Examiner: Zara, Jane

For: MUTANT B-TYPE
POLYMERASES
EXHIBITING IMPROVED
PERFORMANCE IN PCR

Old Attorney Docket No: 5328
New Attorney Docket No: 1803-280-999

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Submission Under 37 C.F.R. § 1.114

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find enclosed a **Request for Continued Examination (RCE)** **Transmittal**, and a **Petition for Extension of Time** for four months up to and including December 5, 2003. The Director is hereby authorized to charge, in addition to the fees associated with the RCE and petition for extension of time, any other required fees, or credit any overpayments, to Pennie & Edmonds LLP U.S. Deposit Account No. 16-1150 (order no. 1803-280-999).

If possible, it is requested that the Patent Office update the Attorney Docket number to 1803-280-999.

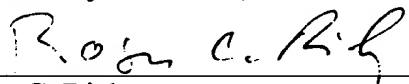
For the record, MPEP § 714.13 (page 700-205, right col.) states that “[a] reply to an amendment after final rejection should be mailed within 30 days of the date the amendment is received by the Office,” which the Patent Office has not complied with in this case. On June 5, 2003, Applicants mailed a Notice of Appeal and an Amendment and Response to the final Office Action dated January 24, 2003 to the Patent Office (along with a petition for extension of time and a declaration and power of attorney). A stamped postcard accompanying the filing on June 5th was received back from the Patent Office acknowledging the June 5th filing of these documents. Following a telephone call on or about August 27,

2003 from Examiner McGarry who indicated that the Amendment and Response and Notice of Appeal were not received even though the Fees associated with these papers had already been charged, Applicants' attorney sent copies of the papers filed June 5, 2003 by facsimile to the Patent Office on August 27, 2003. Following a number of telephone calls to the Patent Office on October 28, 2003, Applicants' attorney reached Examiner Zara who indicated that the papers filed June 5th were not in the Patent Office's file. A second set of copies of the papers filed June 5, 2003 were sent by facsimile on October 28, 2003 to the Patent Office. Applicants' attorney left a message with Examiner Zara's voicemail December 2, 2003 requesting status of this application. The Patent Office mailed an advisory action on December 3, 2003. Therefore, the Patent Office's reply (the advisory action mailed December 3, 2003) was well beyond 30 days from the June 5th date of the amendment filed by Applicant.

To the extent that claims may issue from this application, these facts should be considered in connection with the calculation of the period of adjustment of patent term due to examination delay pursuant to 37 C.F.R. § 1.703(a)(3).

Respectfully submitted,

Date: December 5, 2003


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